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09/876,690	06/07/2001	Brian Collamore	US010390	8205

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EXAMINER

TOMASZEWSKI, MICHAEL

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Notice To Applicant

1. This communication is in response to the Request for Continued Examination filed on 5/24/2006. Claims 1, 7, and 13 have been amended. Claims 22 and 23 are newly added. Claims 1-4, 6-10, 12-16, and 18-23 are now pending.

Specification

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. The specification is objected to under 35 U.S.C. § 112, first paragraph, because the specification, as originally filed, does not provide support for the invention as is now claimed for the reasons in section 4, *infra*.

4. The amendment filed 5/24/2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment

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shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

The newly added recitations "and for appending the new information to the study without informing the user if the study has not been reviewed" within claims 1, 7, and 13 and the newly added recitations of claims 22 and 23. Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

5. Claims 1-4, 6-10, 12-16, and 18-23 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention and for the reasons set forth in the objection to the specification in section 4, *supra*.

Claims 1, 7, and 13 recite limitations that are new matter, as discussed above. Claims 2-4, 6, 8-10, 12, 14-16, and 18-23 incorporate the deficiencies of claims 1, 7, and 13 through dependency and are also rejected.

Newly added claims 22 and 23 also recite limitations that are new matter, as discussed above and are also rejected for this reason.

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Applicant is advised to provide support for all features added to the amendment filed on 5/24/2006.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

NOTE: The following rejections assume that the subject matter added in the amendment filed on 5/24/2006 is not new matter and are provided hereinbelow for Applicant's consideration on the condition that Applicant properly traverses the new matter objections and rejections set forth in sections 2-5, supra, in the next communication sent in response to the present Office Action.

7. Claims 1- 4, 6-10, 12-16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Judd et al. (US 2002/0087503; hereinafter Judd), in view of Rapaport et al. (6,192,112; hereinafter Rapaport), and in further view of Segal et al. (US 2001/0041991; hereinafter Segal).

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(A) As per amended claim 1, Judd discloses a medical information management system, comprising:

- (1) an information acquisition device (Judd: par. [0065]; Fig. 2);
- (2) a computer coupled to the information acquisition device, the computer including logic for receiving information from the information acquisition device, for informing a user of arrival of new information while the user is reviewing a study to which the new information corresponds (Judd: par. [0067]; Figs. 2-3); and
- (3) a memory element associated with the computer, where the memory element stores the information and associates the information with the study; where new information transferred to the computer is associated with the study (Judd: par. [0075], [0077] and [0078]).

Judd, however, fails to expressly disclose a medical information management system, comprising:

- (4) a computer coupled to the information acquisition device, for appending the new information to the study without informing the user if the study has not been reviewed; and
- (5) wherein the study is flagged to indicate that the new information is available.

Nevertheless, these features are old and well known in the art, as evidenced by Segal and Rapaport. In particular, Segal and Rapaport disclose a medical information management system, comprising:

- (4) a computer coupled to the information acquisition device, for appending the new information to the study without informing the user if the study has not been reviewed (Segal: par. [0094]); and
- (5) wherein the study is flagged to indicate that the new information is available (Rapaport: col. 28, lines 4-col. 29, line 3) (Examiner notes also that Judd teaches the use of email notification to indicate new information is available and provides hyper-links (i.e., flags) within the email to the new information.).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the aforementioned features of Segal with the combined teachings of Judd and Rapaport with the motivation of providing a means for updating medical studies/records including images (Segal: par. [0021]).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the aforementioned features of Rapaport with the combined teachings of Judd and Segal with the motivation of providing effective and timely

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communication of medical information to pertinent parties; and to provide efficient medical information management (Rapaport: col. 1, lines 52-col. 2, line 5).

(B) As per claim 2, Judd discloses the medical information management system of claim 1, wherein the information includes medical image information (Judd: par. [0035]).

Examiner has noted insofar as claim 2 recites "at least one of ultrasound image information, medical image information, patient measurements, calculations, findings, comments, waveforms, chart records, audio recordings, Doppler audio, Doppler flow sounds or heart sounds, Doppler audio, and a medical study report," medical image information has been recited.

(C) As per claim 3, Judd fails to expressly disclose the medical information management system of claim 2, further comprising a database, where the database includes a plurality of flags, and at least one of the flags is used to indicate to said user of the medical information management system that the new information has been associated with the study.

Nevertheless, these features are old and well known in the art, as evidenced by Rapaport. In particular, Rapaport discloses the medical information management system of claim 2, further comprising a database, where the database includes a plurality of flags, and at least one of the flags is used to indicate to a user of the medical information management system that the new information has been associated with the study (Rapaport: col. 28, lines 40-col. 29, line 3) (Examiner also notes that Judd

teaches the use of e-mail notification to indicate new information is available and provides hyper-links (i.e., flags) within the email to the new information.).

One of ordinary skill would have found it obvious at the time of the invention to include the aforementioned features of Rapaport with the teachings of Judd with the motivation of providing effective and timely communication of medical information to pertinent parties; and to provide efficient medical information management (Rapaport: col. 1, lines 52-col. 2, line 5).

(D) As per claim 4, Judd discloses the medical information management system of claim 3, further comprising a client application, the client application further comprising a user interface configured to present to the user of the medical information management system an indication that the new information has been associated with the study (Judd: par. [0023] – [0026]; [0067]; Fig. 1, 13).

(E) As per claim 6, Judd discloses the medical information management system of claim 4, where the client application informs the user of the arrival of further new information pertaining to a further study that the user is not reviewing (Judd: par. [0023] – [0026]; par. [0067]; Fig. 1, 13).

(F) Claims 7-10, and 12 substantially repeat the same limitations of claims 1-4, and 6 and therefore, are rejected for the same reasons given for those claims.

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(G) Claims 13-16, and 18 substantially repeat the same limitations of claims 1-4, 7, and 6 and therefore, are rejected for the same reasons given for those claims and incorporated herein.

8. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Judd, Rapaport and Segal, as applied to claims 1, 7, and 13 above, and further in view of Myers et al. (5,832,450; hereinafter Myers).

(A) As per claim 19, Judd fails to expressly disclose the medical information management system of claim 1, wherein the computer is configured to inform the user of the arrival of the new information in response to addition of the new information to the study.

Nevertheless, these features are old and well known in the art, as evidenced by Myers. In particular, Myers discloses the medical information management system of claim 1, wherein the computer is configured to inform the user of the arrival of the new information in response to addition of the new information to the study (Myers: col. 2, lines 35-39).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Myers with the combined teachings of Judd, Rapaport and Segal with the motivation of providing an efficient medical record system (Myers: col. 2, lines 35-39).

(B) Claims 20 and 21 substantially repeat the same limitations of claim 19 and therefore, are rejected for the same reasons given for claim 19 and incorporated herein.

9. Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Judd, Rapaport and Segal, as applied to claims 1 and 7 above, and further in view of Yach (US 2002/0112078; hereinafter Yach).

(A) As per new claim 22, Judd fails to expressly disclose the medical information management system of claim 1, wherein the computer is configured to flag the study if the study has not been reviewed by the user (Yach: par. [0044]).

Nevertheless, these features are old and well known in the art, as evidenced by Yach. In particular, Yach discloses the medical information management system of claim 1, wherein the computer is configured to flag the study if the study has not been reviewed by the user (Yach: par. [0044]).

Examiner also notes that the technique of using conditional flags to indicate something, such as whether information has been read or has not been read and/or a certain condition has arisen is notoriously well known and obvious. For example, common email applications provide various flags to indicate whether and email has been read or unread, deleted, and sent, etc.

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One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Yach and knowledge generally available to an artisan with the combined teachings of Judd, Rapaport and Segal with the motivation providing an indication of whether information has been viewed or not (Yach: par. [0044]).

(B) As per new claim 23, Judd fails to expressly disclose the method of claim 7, further comprising the act of setting a flag associated with the study upon arrival of the new information if the study has not been reviewed by the user.

Nevertheless, these features are old and well known in the art, as evidenced by Yach. In particular, Yach discloses the method of claim 7, further comprising the act of setting a flag associated with the study upon arrival of the new information if the study has not been reviewed by the user (Yach: par. [0044]).

Examiner also notes that the technique of using conditional flags to indicate something, such as whether information has been read or has not been read and/or a certain condition has arisen is notoriously well known and obvious. For example, common email applications provide various flags to indicate whether and email has been read or unread, deleted, and sent, etc.

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Yach and knowledge generally available to an artisan with the combined teachings of Judd, Rapaport and Segal with the motivation

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providing an indication of whether information has been viewed or not (Yach: par. [0044])).

Response to Arguments

10. Applicant's arguments with respect to claims 1, 7 and 13 have been considered but are moot in view of the new ground(s) of rejection.

11. Applicant's arguments filed 5/24/2006 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the Request for Continued Examination.

(A) On page 12 of the Request for Continued Examination, Applicant argues that the recited feature of claims 1, 7, and 13, that is, "appending the new information to the study without informing the user if the study has not been reviewed," is not a recitation of mere intended use.

In response, Examiner notes that the computer essentially performs three functions, namely, receives information, informs a user, and appends new information. As per the function pertaining to whether a study is reviewed or not reviewed, this is a function of the user rather than the computer and therefore, it is intended use.

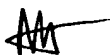
Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT



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PATENT EXAMINER